

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

BLUE CROSS BLUE SHIELD ASS’N, et al.,

Plaintiffs,

v.

GLAXOSMITHKLINE, LLC,

Defendant.

M.C. No.

**DEFENDANT GLAXOSMITHKLINE, LLC’S
MOTION TO COMPEL ENFORCEMENT OF SUBPOENA**

Pursuant to Rule 45(d) of the Federal Rules of Civil Procedure, Defendant GlaxoSmithKline, LLC (“GSK”) moves to compel CVS Health Corp. (“CVS Caremark”) located in Woonsocket, Rhode Island to comply with a subpoena (“Subpoena”) issued by the Eastern District of Pennsylvania in *Blue Cross Blue Shield Ass’n, et al. v. GlaxoSmithKline, LLC* No. 13-CV-4663 (E.D. Pa). Rule 45(d) authorizes the District of Rhode Island – as the compliance location for the Subpoena – to enforce Defendant’s duly-served Subpoena. Defendant GSK therefore moves to compel in the District of Rhode Island through this miscellaneous case.

The Subpoena seeks documents that fall well within the broad discovery provided by the federal rules. *See* Fed. R. Civ. P. 26(b). The plaintiffs are 41 insurance companies that “directly or through their health plan subsidiaries insure and administer health plan benefits,” including prescription drugs. The subpoenaed documents and testimony directly relate to multiple claims and defenses in this lawsuit, including without limitation, whether and when CVS Caremark communicated with plaintiffs regarding certain pharmaceuticals that were allegedly manufactured in violation of the FDA’s current Good Manufacturing Practices.

The accompanying memorandum of law sets forth these bases in more detail. Attached to the memorandum of law is an affidavit in support of this Motion from D. Mullin (“Mullin Affidavit”). The Subpoena is Exhibit 1 to the Mullin Affidavit. As set forth in the memorandum of law, CVS Caremark has neither completed its production of documents in response to the Subpoena, nor agreed to attend a deposition in accordance with the Subpoena. Defendant respectfully requests that this Court issue an Order compelling CVS Caremark to complete its production of responsive documents and attend a deposition.

REQUEST FOR ORAL ARGUMENT

In accordance with Local Rule 7(e), Defendant GSK also requests that the Court permit an oral argument on this Motion and estimates the time for oral argument to be thirty minutes.

Respectfully submitted:

/s/ Richard L. Gemma

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